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HOUSE BILL 756

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO LIQUOR; AMENDING A SECTION OF THE LIQUOR CONTROL
ACT TO ALLOW CONTESTS BASED ON SKILL IN LICENSED PREMISES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-19-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 19-1, as amended) is amended to read:

"30-19-1. DEFINITIONS RELATING TO GAMBLING.--As used in
Chapter 30, Article 19 NMSA 1978:

A. "antique gambling device" means a gambling
device manufactured before 1970 and substantially in original
condition that is not used for gambling or commercial gambling
or located in a gambling place;

B. "bet" means a bargain in which the parties agree
that, dependent upon chance, even though accompanied by some
skill, one stands to win or lose anything of value specified in

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1 the agreement. A bet does not include:

2 (1) bona fide business transactions that are
3 valid under the law of contracts, including:

4 (a) contracts for the purchase or sale,
5 at a future date, of securities or other commodities; and

6 (b) agreements to compensate for loss
7 caused by the happening of the chance, including contracts for
8 indemnity or guaranty and life or health and accident
9 insurance;

10 (2) offers of purses, prizes or premiums to
11 the actual contestants in any bona fide contest for the
12 determination of skill, speed, strength or endurance or to the
13 bona fide owners of animals or vehicles entered in such
14 contest;

15 (3) a lottery as defined in this section; or

16 (4) betting otherwise permitted by law,
17 including Texas hold 'em pursuant to Section 60-7A-19 NMSA
18 1978;

19 C. "gambling device" means a contrivance other than
20 an antique gambling device that is not licensed for use
21 pursuant to the Gaming Control Act and that, for a
22 consideration, affords the player an opportunity to obtain
23 anything of value, the award of which is determined by chance,
24 even though accompanied by some skill, whether or not the prize
25 is automatically paid by the device;

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1 D. "gambling place" means a building or tent, a
2 vehicle, whether self-propelled or not, or a room within any of
3 them that is not within the premises of a person licensed as a
4 lottery retailer or that is not licensed pursuant to the Gaming
5 Control Act, one of whose principal uses is:

6 (1) making and settling of bets;

7 (2) receiving, holding, recording or
8 forwarding bets or offers to bet;

9 (3) conducting lotteries; or

10 (4) playing gambling devices; and

11 E. "lottery" means an enterprise wherein, for a
12 consideration, the participants are given an opportunity to win
13 a prize, the award of which is determined by chance, even
14 though accompanied by some skill. "Lottery" does not include
15 the New Mexico state lottery established and operated pursuant
16 to the New Mexico Lottery Act or gaming that is licensed and
17 operated pursuant to the Gaming Control Act. As used in this
18 subsection, "consideration" means anything of pecuniary value
19 required to be paid to the promoter in order to participate in
20 a gambling or gaming enterprise."

21 Section 2. Section 60-7A-19 NMSA 1978 (being Laws 1981,
22 Chapter 39, Section 96, as amended) is amended to read:

23 "60-7A-19. COMMERCIAL GAMBLING ON LICENSED PREMISES.--

24 A. It is a violation of the Liquor Control Act for
25 a licensee to knowingly allow commercial gambling on the

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1 licensed premises.

2 B. In addition to any criminal penalties, [~~any~~] a
3 person who violates Subsection A of this section may have [~~his~~]
4 the person's license suspended or revoked or a fine imposed, or
5 both, pursuant to the Liquor Control Act.

6 C. As used in this section:

7 (1) "commercial gambling" means:

8 (a) participating in the earnings of or
9 operating a gambling place;

10 (b) receiving, recording or forwarding
11 bets or offers to bet;

12 (c) possessing facilities with the
13 intent to receive, record or forward bets or offers to bet;

14 (d) for gain, becoming a custodian of
15 anything of value bet or offered to be bet;

16 (e) conducting a lottery where both the
17 consideration and the prize are money, or whoever with intent
18 to conduct a lottery possesses facilities to do so; or

19 (f) setting up for use for the purpose
20 of gambling, or collecting the proceeds of, [~~any~~] a gambling
21 device or game; and

22 (2) "commercial gambling" does not mean:

23 (a) activities authorized pursuant to
24 the New Mexico Lottery Act;

25 (b) the conduct of activities pursuant

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1 to Subsection D of Section 30-19-6 NMSA 1978; [~~and~~]

2 (c) gaming authorized pursuant to the
3 Gaming Control Act on the premises of a gaming operator
4 licensee licensed pursuant to that act; and

5 (d) bona fide contests that offer
6 purses, prizes or premiums to the actual contestants for the
7 determination of skill, including Texas hold 'em contests."

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